

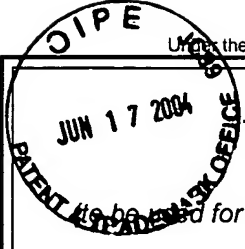
IFW

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

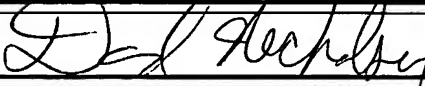
 <p><b>TRANSMITTAL FORM</b> (Use for all correspondence after initial filing)</p>	Application No.	10/797,346	
	Filing Date	March 10, 2004	
	First Named Inventor	Niu Dong et al.	
	Art Unit	1638	
	Examiners Name	Not yet assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	0109.03

**ENCLOSURES (Check all that apply)**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts /Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawings<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s):<br><b>4 Journal References</b><br><b>Post card Receipt</b> |
|---|--|--|

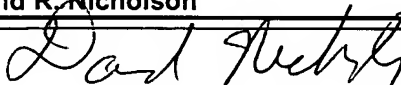
Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	David R. Nicholson, Reg. No. 38,981
Signature	
Date	June 14, 2004

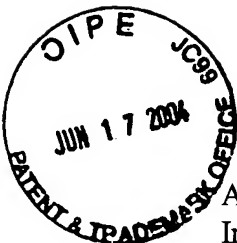
**Certificate of Transmission/Mailing**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name	David R. Nicholson
Signature	
Date	June 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Appl. No. 10/797,346  
Information Disclosure Statement

PATENT

**Certificate of Transmission/Mailing**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: **June 14, 2004**

Depositors Name: **David R. Nicholson**

Depositors Signature: *David R. Nicholson*

Appl. No.	:	10/797,346	Confirmation No.	4296
Applicant	:	Niu Dong et al.		
Filed	:	March 10, 2004		
TC/A.U.	:	1638		
Examiner	:	Not yet Assigned		
Docket No.	:	0109.03		
Customer No.	:	25278		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Information Disclosure Statement

(Submission Prior to Final Rejection or Notice of Allowance)

Sir:

Pursuant to 37 CFR 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION  
The patents, publications or other information submitted for consideration by the Office (except U.S. patent applications) are listed on PTO/SB/08, attached hereto.

II. COPIES (check at least one item)

OG Notice 05 August 2003: The office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. Patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003.

- a. X Submitted herewith is a legible copy of (i) each foreign patent document; (ii) each publication or that portion which caused it to be listed; (iii) for each cited U.S. patent and pending U.S. application, a listing of that portion of the application which caused it to be listed and (iv) all other information or that portion which caused it to be listed.
- b. \_\_\_\_ Any patents, publications or other information which are listed on PTO/SB/08 or on the copies of PTO 892 but which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 USC 120:

U.S. Serial Number

U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one item)

- a. X Except as may be indicated below in (b), all patent, publications or other information are in the English language (concise explanation not required).
- b. \_\_\_\_ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. \_\_\_\_ The following additional information is provided for the Examiner's consideration:

IV. CROSS REFERENCE TO RELATED APPLICATIONS

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) application(s) to the Examiner's attention, applicant does not waive the confidentiality provisions of 35 USC 122:

Serial No.

Filing Date

Art Unit

FEES

- V. THIS IDS IS BEING FILED UNDER 37 CFR 1.97(b): (check one item)
- a. ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53 (d). [37 CFR 1.97(b)(1)].  
No fee or statement is required.
- b. ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application [37 CFR 1.97(b)(2)].  
No fee or statement is required.
- c. ☒ Before the mailing date of the first Action on the merits [37 CFR 1.97(b)(3)].  
No fee or statement is required.
- d. ☐ Before the mailing of a first office action after the filing of a request for continued examination under § 1.114 [37 CFR 1.97 (b)(4)].  
No fee or statement is required
- VI. THIS IDS IS BEING FILED UNDER 37 CFR 1.97(c):  
before the mailing date of a Final Office Action under 37 CFR 1.113 [See 37 CFR 1.97(c)(1)] or before the mailing date of a Notice of Allowance under 37 CFR 1.311 [See 37 CFR 1.97(c)(2)]. (check one item)
- a. ☐ No statement; therefore, a fee in the amount of \$ \_\_\_\_\_ is required by 37 CFR 1.17(p); or
- b. ☐ See the statement below. No fee is required.
- VII. Statement Under 37 CFR 1.97(e)  
The undersigned hereby certifies that: (check only one item)
- a. ☐ each item of information contained in the IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement.

- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication for a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no items of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement.

VIII. Payment of Fees (check one item)

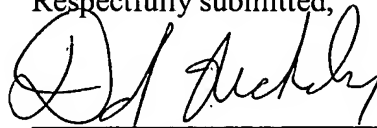
- a. ☒ NO FEE IS REQUIRED.
- b. ☐ Please charge Deposit Account No. 50-2135 in the amount of \$ \_\_\_\_\_ for the above-indicated fee. A duplicate copy of this paper is attached.

This disclosure Statement is not to be construed as a representation that (i) a search has been made; (ii) additional information material to the examination of this application does not exist; or (iii) the cited information constitutes prior art in the subject application.

If this IDS is determined to not fully comply with the rules, the Examiner is urged to contact the undersigned.

Please charge any additional fees or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account 50-2135.

Respectfully submitted,



David R. Nicholson  
Attorney of Record  
Registration No. 38,981

Telephone: (510) 559-5731  
or 559-6067

Enclosures

- ☒ PTO/SB/08 ( 2 pages)  
☐ PTO-892  
☒ References (4)  
☐ Foreign Search Report  
☐ Fee  
☐ Other:



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many as necessary)	<b>Complete if Known</b>				
	Application Number	10/797,346			
	Filing Date	March 10, 2004			
	First Named Inventor	Niu Dong et al.			
	Art Unit	1638			
	Examiner Name	Not yet assigned			
	Attorney Docket No.	0109.03			
	<b>Certificate of Transmission/Mailing</b>				
	I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>June 14, 2004</u> .				
Sheet	1	of	2	David R. Nicholson	<i>[Signature]</i>

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number – Kind Code <sup>2</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US-4,363,188	12/14/1982	Dastoor et al.	
	B1	US-5,717,050	02/10/1998	Cornish	
	C1	US-5,580,942	12/03/1996	Cornish	
	D1	US-6,645,747	11/11/2003	Hallahan et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup>				

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many as necessary)

**Complete if Known**

Application Number	10/797,346
Filing Date	March 10, 2004
First Named Inventor	Niu Dong et al.
Art Unit	1638
Examiner Name	Not yet assigned
Attorney Docket No.	0109.03

**Certificate of Transmission/Mailing**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2004.

David R. Nicholson

Sheet

2

of

2

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	E1	ZAVALA, M.E., Biesboer, D.D., and Mahlberg, P.G., "Callus Induction and Organogenesis in Cultured Tissues of <i>Parthenium Argentatum</i> ," (1982) <i>Phytomorphology</i> 32(4):340-344	
	F1	TRAUTMANN, I.A., and Visser, J.H., "An in vitro study of organogenesis in guayule ( <i>Parthenium argentatum</i> Gray)," (1990) <i>Plant Science</i> 72:275-281	
	G1	PAN, Z., Ho, J., Feng, Q., Huang, D-S., and Backhaus, R.A., "Agrobacterium - mediated transformation and regeneration of guayule," (1996) <i>Plant Cell, Tissue and Organ Culture</i> 46:143-150	
	H1	PELLEGRINESCHI, A., "In vitro plant regeneration via organogenesis of cowpea [ <i>Vigna unguiculata</i> (L.) Walp.]," (1997) <i>Plant Cell Reports</i> 17:89-95	

Examiner  
Signature

Date

Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.